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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,295	11/25/2003	Young-Hun Seo	OPP 031051 US	9100
36872	7590	06/14/2005	EXAMINER	
THE LAW OFFICES OF ANDREW D. FORTNEY, PH.D., P.C.			CHEN, JACK S J	
7257 N. MAPLE AVENUE			ART UNIT	
BLDG. D, 3107			PAPER NUMBER	
FRESNO, CA 93720			2813	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,295

Applicant(s)

SEO, YOUNG-HUN

Examiner

Jack Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6 and 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/25/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

In response to the communication filed on November 25, 2003, claims 1-6 and 8-20 are active in this application.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement filed on November 25, 2003 has been considered.

Oath/Declaration

Oath/Declaration filed on November 25, 2003 has been considered.

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The instant claim 6 appears to contain the subject matter as disclosed in paragraph 15 of the instant application. However, it appears that the step of forming an anti-reflection coating on the polish stop layer is done *after* the step of forming the polish stop layer on the semiconductor substrate. Not "prior". Therefore, the phrase "*prior* to forming a polish stop layer on a semiconductor substrate: forming an anti-

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reflection coating *on the polish stop layer*” is not understood. Furthermore, the method for producing the anti-reflection coating having the rounded configuration (i.e., claim 6, last line, “the ends of the anti-reflection coating are formed into a round configuration”) is not taught.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-5, 8-11 and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 2, lines 1, the term “etching” is unclear (which etching step? etching the polish stop layer or etching the semiconductor substrate or both).

Claims 8-11 are rejected to as being depended from a non-existing claim 7 (the instant application does not contain claim 7); therefore, the scopes of these claims are unclear.

Re claim 15, lines 1, the term “etching” is unclear (which etching step? etching the polish stop layer or etching the semiconductor substrate or both).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1-4, 12-17, 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore et al., U.S. 6,884,725 B2.

Moore et al. disclose a method of forming a trench in a semiconductor device, which comprises forming a polish stop layer 16a (fig. 10) or 16b (fig. 11) on a semiconductor substrate 12; etching the polish stop layer and etching the semiconductor substrate to a predetermined depth to form a trench 20 such that ends 50 (fig. 10) or 60 (fig. 11) of the polish stop layer adjacent to the trench are rounded; and forming an insulation layer 28 (fig. 6) that fills the trench, see figs. 1-14 and cols. 1-8 for more detail.

Re claims 2 and 15, wherein etching is performed such that following the injection of one of argon, CF₄, CHF₃, plasma is created and dry etching is performed (col. 4, line 47 to col. 5, line 51).

Re claims 3 and 16, wherein the etching is performed by injecting one of at most 60sccm of CHF₃ gas, at most 60sccm of CF₄ gas, at most 30sccm of O₂ gas, at most 60sccm of HeO₂ gas, and at most 200sccm of Ar gas (i.e. using 10-100 sccm argon, col. 4, lines 50-52).

Re claims 4 and 17, wherein 50-500W of power is applied to generate plasma in a state where one of CHF₃, CF₄, O₂, HeO₂, and Ar is injected (i.e., using Ar at about 200 W; see col. 4, lines 47-60).

Re claims 12 and 14 wherein the polish stop layer 16/16a/16b (figs. 1, 10-11) is deposited to about 1000 angstroms (col. 1, lines 55-58).

Re claim 13, wherein the polish stop layer is made of a material (i.e., silicon nitride, col. 1, lines 53-58) that is more slowly polished than insulation material (fig. 6, oxide 28) of the insulation layer.

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Re claim 19, wherein during forming an insulation layer that fills the trench, following the formation of the insulation layer to cover the polish stop layer and inner walls of the trench, CMP is performed on the insulation layer until the polish stop layer is exposed (figs. 6-7; col. 2, lines 24-35).

Re claim 20, wherein prior to forming the insulation layer 28 (fig. 6), a liner oxidation layer 24 (see figs. 5 and 10-11) is formed on the trench and the polish stop layer, then the insulation layer is formed on the liner oxidation layer such that the trench is fill with a material forming the insulation layer (i.e. oxide, fig. 6).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al., U.S./6,884,725 B2.

With respect to claims 5 and 18, the claimed ranges of pressure in the etching step, absent evidence of disclosure of criticality for the range giving unexpected results are considered to involve routine optimization while has been held to be within the level of ordinary skill in the art. As noted in *In re Aller* 105 USPQ233, 255 (CCPA 1955), the selection of reaction parameters such as pressure, temperature and concentration would have been obvious. *See also In re Waite* 77 USPQ 586 (CCPA 1948); *In re Scherl* 70 USPQ 204 (CCPA 1946); *In re Irmischer* 66 USPQ

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314 (CCPA 1945); In re Norman 66 USPQ 308 (CCPA 1945); In re Swenson 56 USPQ 372 (CCPA 1942); In re Sola 25 USPQ 433 (CCPA 1935); In re Dreyfus 24 USPQ 52 (CCPA 1934).


Therefore, the subject matter as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to select any suitable pressure ranges in the method of Moore et al. in order to provide rounded corners.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chen whose telephone number is (571)272-1689. The examiner can normally be reached on Monday-Friday (9:00am-6:30pm) alternate Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W. Whitehead can be reached on (571)272-1702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chen
Primary Examiner
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June 12, 2005